



CALIFORNIA STATE BOARD OF EDUCATION

JULY 2004 AGENDA

☒ Specific Waiver

SUBJECT Request by Alhambra City School District to waive <i>Education Code</i> (EC) Section 56362(c): allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by no more than four students (32 max). Martha Myers/Karin Summerford assigned at Northrup Elementary School . Waiver Number: 162-3-2004	<input checked="" type="checkbox"/> Action
	<input type="checkbox"/> Consent

RECOMMENDATION

☐ Approval ☐ Approval with conditions ☒ Denial

Both teachers and the bargaining unit oppose the waiver. The teachers report working multiple years with a caseload over the statutory maximum of 28 students. The Department will also be referring the district to the Focused Monitoring and Technical Assistance Unit I in the Special Education Division for further investigation regarding noncompliance with state statutory and regulatory requirements.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Both EC 56101 and California *Code of Regulations* (CCR), Title 5, Section 3100, allow the State Board of Education to approve waivers of resource specialists to exceed the maximum caseload of 28 students by no more than four students. However, there are specific requirements in these regulations, which must be met for approval, and if these requirements are not met, the waiver must be denied.

The resource specialist program shall be under the direction of a resource specialist who is a credentialed special education teacher, or who has a clinical services credential with a special class authorization, who has had three or more years of teaching experience, including both regular and special education teaching experience, as defined by rules and regulations of the Commission of Teaching Credentialing and who has demonstrated the competencies for a resource specialist, as established by the Commission on Teacher Credentialing.

SUMMARY OF KEY ISSUES

The waiver stipulates that the following affected resource specialists will have an increase in their caseload from 28 students to 32 students. Martha Myers and Karin Summerford assigned at Northrup Elementary School have not agreed to the increase of their caseloads.

Martha Myers disagrees with providing the additional services but will actually provide **Alhambra City School District, Page 2**

since she does not feel she can deny a student services. Karin Summerford disagrees with providing the services and won't be able to provide the services in an adequate manner. Martha Myers has been a Resource Specialist for 10 years and stated her caseload has for the most part been higher than 28 students during her time with the school. Karin Summerford is in her third year as a Resource Specialist and stated that she likewise has for the most part been over the 28 student caseload. She has had as many as 36 students at one time on her caseload.

The district did apply for a Resource Specialist caseload waiver for Karin Summerford for the period February 2002 through June 2002 but the waiver was denied. The district acknowledged that for the last three years, both teachers have had caseloads that fluctuates over 28 students on a regular basis.

Both teachers have been given additional instructional aides but feel this does not alleviate the problems of serving such large numbers of children.

The union representative, Gloria Tauson is opposed to the increased caseload and is highly supportive of both teachers in their disagreement of increasing their caseload from 28 to 32 students.

The Department is recommending retroactive denial because the district submitted the waiver late in the school year.

Authority for the Waiver: EC 56101, 56362(c) and CCR, Title 5, Section 3100(d)(4).

Bargaining unit(s) consulted on date(s): April 13, 2004

Position of bargaining unit(s) (choose only one):

☐

Neutral

☐

Support

☒

Oppose

The bargaining unit opposes the waiver and indicated that to request a Resource Specialist to increase their caseload to 32 students would further exacerbate an untenable classroom environment.

Name of bargaining unit(s)/representative(s): American Teachers Association representative, Gloria Tauson

Local board approval date(s): March 24, 2004

Period of request: February 1, 2004 to June 11, 2004.

FISCAL ANALYSIS (AS APPROPRIATE)

Since this waiver is being denied, the **Alhambra City School District** will need to
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employ additional qualified staff or persons with emergency qualifications to provide services to special education students.

BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or the State Board Office.